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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,433	01/04/2002	Bernhard P. Weisshaar	TC00152	9482

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MOTOROLA, INC.
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EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/038,433	Applicant(s) WEISSHAAR ET AL.	
	Examiner JOHN J LEE	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Applicant is required the blanks in first page of Specification should be provided with right information.

Appropriate correction is required.

Claim Objections

2. Claims 2, 12, 15, 22, and 25 are objected to because of the following informalities: it is suggested that the spelling of the ward “telematics” should be changed to “telemetric”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 – 30** are rejected under 35 U.S.C. 102(b) as being anticipated by Eitzenberger (US patent number 6,023,232).

Regarding **claim 1**, Eitzenberger discloses that a method of selecting a communication interface to transmit data in a wireless communication network (Fig. 1 and column 2, lines 30 – column 3, lines 36). Eitzenberger teaches that providing a plurality of communication interfaces in a wireless communication device (column 4,

lines 39 – column 5, lines 20 and Fig. 1, where teaches various interfaces are used to connect a plurality communication devices (PDA, cellular telephone, mobile station) to central computer such as a controller area network, PCMCIA, IR interface). Eitzenberger teaches that polling, by a first application, at least one communication interface of said plurality of communication interfaces to determine whether said at least one communication interface has become available (Fig. 1, 2, column 4, lines 57 – column 5, lines 20, and column 5, lines 48 – 65, where teaches between the central computer takes over the data transmission channels associated with the interfaces and device are called upon flexibly to fulfill their inherent functions by an adaptive application control means central station checks to determine whether the required device is occupied at the moment and to which data network it is currently connected). Eitzenberger teaches that determining that said at least one communication interface of said plurality of communication interfaces has become available (Fig. 1, 2, column 4, lines 57 – column 5, lines 20, and column 5, lines 48 – 65, where teaches a check is performed to determine whether the required device is occupied at the moment and to which data network it is currently connected). Eitzenberger teaches that transmitting data associated with said first application on said at least one communication interface (Fig. 1, 2, column 4, lines 57 – column 5, lines 20, and column 2, lines 53 – column 3, lines 22, where teaches transmitting the data channel associated with the determined interface to the device).

Regarding **claim 2**, Eitzenberger discloses that the step of providing a plurality of communication interfaces in said wireless communications device comprises providing a plurality of communication devices of a telemetric communication device (column 4,

lines 39 – column 5, lines 20 and Fig. 1, where teaches communication device is mobile computer, cellular telephone, or GPS receiver).

Regarding **claim 3**, Eitzenberger discloses that the step of polling comprises periodically checking said at least one communication interface to determine whether said at least one communication interface has become available (Fig. 3, 4, column 6, lines 20 – 39, and column 7, lines 48 – column 8, lines 4, where teaches continuing updating the database with checking the interface for the device).

Regarding **claim 4**, Eitzenberger discloses that the step of polling comprises checking said at least one communication interface in response to a query by said first application (column 7, lines 33 – column 8, lines 17 and Fig. 5, where teaches being requested by another application).

Regarding **claim 5**, Eitzenberger discloses that determining that said wireless communication device is not transmitting data for another application (column 4, lines 66 – column 5, lines 65 and Fig. 1).

Regarding **claim 6**, Eitzenberger discloses that transmitting vehicle information to a server (column 6, lines 20 – 65 and Fig. 3).

Regarding **claim 7**, Eitzenberger discloses that polling at least one communication interface, which is able to transmit data, associated with a first application (Fig. 1, 2, column 4, lines 57 – column 5, lines 20, and column 5, lines 48 – 65).

Regarding **claim 8**, Eitzenberger discloses that receiving a query from a second application (column 7, lines 33 – column 8, lines 17 and Fig. 5).

Regarding **claim 9**, Eitzenberger discloses that receiving a request to transmit data on a second communication interface by said second application (column 7, lines 33 – column 8, lines 17 and Fig. 5).

Regarding **claim 10**, Eitzenberger discloses all the limitation, as discussed in claims 1 and 6. Furthermore, Eitzenberger further discloses that transmitting vehicle information on said at least one communication interface to a server (column 6, lines 20 – 65 and Fig. 3, where teaches transmitting vehicle information, position, time speed, to the server).

Regarding **claim 11**, Eitzenberger discloses all the limitation, as discussed in claims 1 and 10. Furthermore, Eitzenberger further discloses that transmitting vehicle data on said at least one communication interface (column 6, lines 20 – 65 and Fig. 3).

Regarding **claim 12**, Eitzenberger discloses all the limitation, as discussed in claims 2 and 10.

Regarding **claim 13**, Eitzenberger discloses all the limitation, as discussed in claims 3 and 10.

Regarding **claim 14**, Eitzenberger discloses all the limitation, as discussed in claims 5 and 10.

Regarding **claim 15**, Eitzenberger discloses all the limitation, as discussed in claims 6 and 10.

Regarding **claim 16**, Eitzenberger discloses all the limitation, as discussed in claims 4 and 10.

Regarding **claim 17**, Eitzenberger discloses all the limitation, as discussed in claims 8 and 10.

Regarding **claim 18**, Eitzenberger discloses all the limitation, as discussed in claims 9 and 10.

Regarding **claim 19**, Eitzenberger discloses that concurrently transmitting data associated with said second application on said second communication interface (column 7, lines 33 – column 8, lines 17 and Fig. 5).

Regarding **claim 20**, Eitzenberger discloses all the limitation, as discussed in claims 1 and 10.

Regarding **claim 21**, Eitzenberger discloses all the limitation, as discussed in claims 1 and 10. Furthermore, Eitzenberger further discloses that determining that said at least one communication interface of said plurality of communication interfaces (Fig. 1, 2, column 4, lines 57 – column 5, lines 20, and column 5, lines 48 – 65, where teaches a check is performed to determine whether the required device is occupied at the moment and to which data network it is currently connected) has the capacity to transmit at least a portion of a first block of data associated with a first application (Fig. 3 and column 6, lines 21 – column 7, lines 15, where teaches the determined communication interface gateways portion is located first block of the application data). Eitzenberger teaches that and transmitting said at least a portion of a first block of data associated with said first application on said at least one communication interface (Fig. 1, 2, column 4, lines 57 – column 5, lines 20, and column 2, lines 53 – column 3, lines 22).

Regarding **claim 22**, Eitzenberger discloses all the limitation, as discussed in claims 1 and 2.

Regarding **claim 23**, Eitzenberger discloses all the limitation, as discussed in claims 1 and 3.

Regarding **claim 24**, Eitzenberger teaches that the wireless communication device is within range of said wireless communication network providing said at least one communication interface (Fig. 3 and column 6, lines 21 – column 7, lines 15).

Regarding **claim 25**, Eitzenberger discloses all the limitation, as discussed in claims 10 and 15.

Regarding **claim 26**, Eitzenberger teaches that polling a predetermined communication interface which is compatible with said first application (Fig. 1, 2, column 4, lines 57 – column 5, lines 20, and column 5, lines 48 – 65).

Regarding **claim 27**, Eitzenberger discloses all the limitation, as discussed in claims 1 and 8.

Regarding **claim 28**, Eitzenberger discloses all the limitation, as discussed in claims 1 and 9.

Regarding **claim 29**, Eitzenberger discloses all the limitation, as discussed in claims 10 and 19.

Regarding **claim 30**, Eitzenberger discloses all the limitation, as discussed in claims 4 and 21.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schmid (WO 00/19679) discloses that Data Link Layer Manager for Network Access.

Aizono et al. (US patent number 6,633,809) discloses Wireless Method and System for Providing Navigation Information.

Gotou et al. (US Patent number 6,789,102) discloses System for Retrieving Information Based on Position of Communication Terminal.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2684

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L.
November 16, 2004

John J Lee


NAY MAUNG
SUPERVISORY PATENT EXAMINER